

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
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OPENAI, INC., : 25-md-3143 (SHS) (OTW)
COPYRIGHT INFRINGEMENT LITIGATION, :
: ;
: **ORDER**
This Document Relates To: :
All Actions :
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ONA T. WANG, United States Magistrate Judge:

The Court held a discovery status conference for all actions in this matter on Wednesday, August 12, 2025. As **ORDERED** at the August 12 Conference:

I. NEWS CASES

For the reasons discussed on the record:

- 1) Regarding OpenAI's motion at ECF 376/377 and Microsoft's motion at ECF 392/396 to compel the New York Times to produce evidence of its use of OpenAI's LLMs through ChatExplorer, the parties are directed to submit supplemental briefs not to exceed 5 pages by **close of business on Friday, August 22, 2025**. The parties' supplemental briefs should address: (1) relevance of the content of the logs, including how such content relates to the first and fourth fair use factors; (2) proportionality; and (3) the burden and scope of any privilege review.
- 2) News Plaintiffs' motion at ECF 380 is **GRANTED**. The parties are directed to conduct a 30(b)(6) deposition on the 5 topics served by News Plaintiffs on OpenAI on July 8, 2025, by **September 30, 2025**.

- 3) News Plaintiffs' motion at ECF 372¹ is **DENIED as premature** as to discovery into additional versions of Microsoft's CoPilot; the parties are directed to continue meeting and conferring on whether the parties may agree on limited discovery as discussed at the conference. News Plaintiffs' motion is **DENIED** in all other respects. If News Plaintiffs re-raise this issue, they must explain how the reconstruction of the Deucalion model is proportional to the needs of the case, notwithstanding other discovery they have received.
- 4) Regarding OpenAI's motion at ECF 374/375, the New York Times is directed to provide a supplemental privilege log for the 3 documents in dispute by **August 15, 2025**. The parties are directed to then meet and confer and to file a joint status letter by **August 22, 2025**, indicating whether this dispute has been resolved. If the parties cannot resolve the dispute, they are to include in their August 22 letter a proposed briefing schedule for *in camera* review of the remaining disputed documents. If the Court conducts *in camera* review, it will assess costs under Rule 37(a)(5).
- 5) Microsoft's motion at ECF 383/384 is **DENIED**. These questions are better suited for deposition and expert discovery.

II. CLASS ACTION CASES

For the reasons discussed on the record:

- 1) OpenAI's motion at ECF 378 is **GRANTED**. Class Plaintiffs are directed to provide qualified admissions to the RFAs at issue by **August 15, 2025**.

¹ This motion is also filed in Case No. 23-cv-11195 at ECF 487.

- 2) Regarding Class Plaintiffs' motion at ECF 388, the parties are directed to meet and confer and file a joint letter by **August 22, 2025**, indicating whether this dispute has been resolved. If the parties cannot resolve this dispute, they are to include in their August 22 letter a proposed briefing schedule for *in camera* review of the remaining disputed documents. If the Court conducts *in camera* review, it will assess costs under Rule 37(a)(5).
- 3) Regarding Class Plaintiffs' motion at ECF 413, Class Plaintiffs are directed to file a letter by **August 22, 2025**, that provides a timeline of OpenAI's alleged "flip flopping" regarding OpenAI's reasons for deleting the Books1 and Books2 datasets. Class Plaintiffs' letter should cite to relevant ECF numbers of OpenAI's filings that take positions about the reasons (and privilege assertions) for the deletions. OpenAI is directed to file a responsive letter by **August 29, 2025**. No further briefing is necessary unless so requested by the Court.

III. ALL ACTIONS

For the reasons discussed on the record:

- 1) Regarding the Plaintiffs' motion at ECF 390/391 seeking to compel production of custodians' text and social media messages, OpenAI is directed to inform Plaintiffs of the identities of the owner of any phone number produced where a name is not otherwise provided. The parties are directed to continue meeting and conferring this week as they represented to the Court. OpenAI is directed to finish its production of text and social media messages to Plaintiffs by **August 22, 2025**. OpenAI is directed to file a sworn declaration by **August 15, 2025**, explaining for the three custodians identified during the conference (Sam

Altman, Greg Brockman, and Varun Shetty): (1) when and under what circumstances the custodial interviews were conducted; (2) when, how, and under what circumstances, the custodial collection and review were conducted; and (3) whether and how redactions to and exclusions of certain messages were made. OpenAI is further directed to file an additional sworn declaration by **August 22, 2025**, addressing the same three topics for the remaining custodians who are current OpenAI employees.

- 2) The Court will hold a discovery status conference on **September 25, 2025, at 2:30 p.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007**. The parties may submit discovery motions for any ripe disputes for this conference between **September 8, 2025, and September 15, 2025**. Joint dispute charts for this conference are due by **September 16, 2025**.²
- 3) The Court will hold a discovery status conference on **October 29, 2025, at 9:30 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007**. The parties may submit discovery motions for any ripe disputes for this conference between **October 13, 2025, and October 20, 2025**. Joint dispute charts for this conference are due by **October 21, 2025**.
- 4) The Court will hold a discovery status conference on **December 4, 2025, at 9:30 a.m. in Courtroom 20D, 500 Pearl Street, New York, NY 10007**. The parties may submit discovery motions for any ripe disputes for this conference between

² The parties are reminded again that the dispute charts should not exceed 1-2 short paragraphs that summarize the parties' arguments in the briefing. The joint dispute chart is not intended to replace the parties' briefing.

November 12, 2025, and November 21, 2025. Joint dispute charts for this conference are due by **November 24, 2025.**

The Clerk of Court is respectfully directed to close the following ECF Nos. in **Case No. 25-MD-3143:** 372, 378, 380, 383, 384.

SO ORDERED.

Dated: August 15, 2025
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge